

SENATE TRANSPORTATION COMMITTEE AMENDMENT NO. 1

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2037*

House Bill No. 2539

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 10, Part 2, is amended by adding the following as a new section to be appropriately designated:

Section ____.

(a) As used in this section, "personal watercraft" means a mechanically propelled vessel which is designed to be operated by a person sitting, standing or kneeling on the vessel rather than being operated in a conventional manner by a person sitting, standing, or kneeling inside the vessel. It shall include, but not be limited to, Jet Skis, Waverunners, Sea-Doos, Wetjets, Aquajets, Polaris, Tigersharks, and similar craft.

(b) A person may not operate a personal watercraft on the waters of Tennessee, unless each person operating, riding on, or being towed by the vessel is wearing a U.S. Coast Guard approved Type I, II, III, or V personal flotation device in accordance with rules and regulations by the commission.

(c) A person operating a personal watercraft on the waters of Tennessee shall have a lanyard type engine cutoff switch and must attach the lanyard to the person, clothing, or personal flotation device as is appropriate.

(d) A personal watercraft shall at all times be operated on the waters of Tennessee in a reasonable and prudent manner. Maneuvers which endanger life, limb, or property, or create a public nuisance shall constitute reckless operation of a vessel as provided in subsection (a) of Section 69-10-216 and shall be punished upon conviction

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as provided in Section 69-10-219. These acts shall include but not be limited to:
weaving through congested vessel traffic at high speed; following within the wake, and closely behind, a vessel towing a person or persons on water skis or other water sport devices; cutting between a boat and the person or persons being towed by that boat; crossing in close proximity to the stern of another vessel or when visibility around the other vessel is obstructed; steering a vessel toward any object or person in the water and turning sharply at close range so as to spray the object or person; and crossing the wake of another vessel within 100 feet of that vessel.

(1) If the operator of a vessel feels that the operation of a personal watercraft is creating a hazard to that vessel or a person being towed by that vessel, they shall exhibit an orange flag and wave it in such a manner to signal the operator of the personal watercraft to steer away, or to take such action that will end the hazard. Said flag shall be no less than twelve (12) inches by twelve (12) inches in size.

(e) It is unlawful for any person under twelve (12) years of age to operate a personal watercraft upon the waters of Tennessee unless such person is under the direct supervision of an adult. Direct supervision is defined as being in such proximity with the operator so as to be able to take immediate control of the vessel.

(1) No person under the age of sixteen (16) may rent or attempt to hire, lease, or rent a personal watercraft. It shall be illegal for any marina, livery, or rental operation to hire, lease, or rent a personal watercraft to any person under

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the age of sixteen (16). Further, no marina, livery, or other rental operation may hire, lease, or rent a personal watercraft to any first-time rentor until the rental operation at first provides an orientation to the rentor containing at least the following information: basic operation of the craft, including steering capability when the power is decreased or at idle; required safety equipment and the use of the engine cutoff switch; rules of the road; meaning of the state uniform waterway marking system buoys; regulations regarding wake-jumping and other regulations specific to personal watercraft. Further, the rentor must acknowledge in writing that they have received such instruction and the renter must keep on file such acknowledgment for a period of at least thirty (30) days; such record shall be available for inspection by enforcement officers during regular business hours.

(f) No person shall utilize a personal watercraft to tow a person or persons on water skis or other water sport devices unless the personal watercraft is equipped with rearview mirrors meeting the specifications established by statute or regulation of the commission.

(g) It is unlawful for the owner of any personal watercraft or any person having charge of or control of a personal watercraft to authorize or knowingly permit these to be operated on the waters of this state by a person in violation of this section.

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(h) Any person who violates this section, except as otherwise provided in subsection (d), shall be guilty of a Class B misdemeanor. All fines collected for violation of this section shall be deposited in accordance with Section 69-10-203(b).

(i) This section does not apply to a performer engaged in professional exhibition or a person participating in a regatta, race, marine parade, tournament, or exhibition, and any rules and regulations issued by the commission.

SECTION 2. Tennessee Code Annotated Title, 69, Chapter 10, Part 2, is amended by adding the following as a new section to be appropriately designated:

Section ____.

(a) The specifications for rearview mirrors on personal watercraft used for towing any person shall be as follows: Each mirror shall contain a minimum viewing size of sixty-five (65) square centimeters (ten (10) square inches), a minimum viewing area height of sixty-four (64) millimeters (two and one-half (2.5) inches), and minimum viewing area width of one hundred (100) millimeters (four (4.0) inches). Said mirrors shall be mounted or attached on both the right and left sides of the personal watercraft so as to provide the maximum rearward observation by the operator. Mirrors shall not be mounted or attached to the steering mechanism of the personal watercraft. The minimum combined viewing area of both mirrors shall be one hundred thirty (130) square centimeters (twenty (20) square inches).

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(b) It shall be a Class A misdemeanor to tow any person by personal
watercraft unless said watercraft meets all of these specifications.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring
it.